

**Before the
Federal Communications Commission
Washington, D.C.**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
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**COMMENTS OF THE WIRELESS CONSUMERS ALLIANCE, INC.
IN REPLY TO PETITION FOR DECLARATORY RULING
FILED BY CELLULAR TELECOMMUNICATIONS & INTERNET
ASSOCIATION**

Wireless Consumers Alliance, Inc. ("WCA") submits these comments in response to the petition for declaratory ruling filed by Cellular Telecommunications & Internet Association ("CTIA") on May 13, 2003.

I.

Introduction

Cellular telephone subscribers were supposed to be provided with number portability by 1999. The wireless service providers managed to have the deadline extended three times. When it became clear that the Commission was not going to further extend the deadline, CTIA went to court claiming that the Commission overstepped its regulatory authority in ordering number portability in the first place. The U.S. Court of Appeals for the District of Columbia found that the Commission's action was both "permissible and reasonable."¹ Now CTIA states that wireless service providers cannot provide number portability until and unless the Commission decides certain disputes between the wireline and wireless industry concerning their respective obligations.

II.

The Porting Interval

Some consumers have been waiting years to change wireless service providers when number portability becomes available. A survey conducted by Telephia, a wireless industry research firm, concluded that 40% of subscribers stay with their wireless carrier because they do not want to change their phone number. Another survey by NARUC indicated that most subscribers would be willing to pay to keep their telephone number. Naturally, one would like to have a number ported as soon as possible and the two and one half hour interval proposed by CTIA is certainly acceptable. However, a longer delay will not frustrate the Commission's objectives in requiring number portability. Having waited years, consumers are not going to be deterred by having to wait another week. Of more serious concern is the CTIA contention that E911 services will be impaired if the change over is not properly synchronized. It was established in Docket 94-102 that the PSAP must call back to the calling party less than one percent (1%) of the time. While the number may be small its importance is not. There should be a de minimus lag between the initiation and completion of the porting process.

III.

Rating and Routing

Many wireless carriers have established larger local rate areas than wireline carriers. Because of the rating and routing points established by wireless providers, some landline calls were subject to toll charges. The wireless carriers absorbed these charges through reverse toll billing. Last fall, a number of wireline carriers, including Alltel, Bell

¹ Cellular Telecommunications & Internet Association, et. al. v. FCC, Case No. 02-1264 (6/6/03).

South, Sprint, SBC and Verizon, elected to discontinue reverse toll billing in preparation for number pooling and number portability. For example, in LATA 248, current wireless numbers in NPA-NXX 804-366 are reverse toll billed outside of the Richmond wireline service area. When the reverse toll billing was removed these customers found that local calls were suddenly subject to toll and calling parties had to dial “1” or “1” + area code and the wireless number. Wireless customers in this situation have been offered new local telephone numbers. The impact on wireless customers is dependant upon the wireless company’s network configuration and how numbers were obtained to cover a specific area.

Clearly wireless consumers would like to have the largest toll free calling area possible. However, the Commission’s goals of competition will not be frustrated by the fact that the LEC rate center boundary establishes the toll free calling area for incoming calls.

IV.

Interconnection Agreements

We agree with CTIA that interconnection agreements should not be required as a condition of number portability. Such revenue sharing agreements will give some de facto rate making authority to states contrary to the policy established by Congress and this Commission to make rates market driven.

V.

Conclusion

It is past time for the wireless and wireline carriers to live up to their lawful obligation to allow consumers to take their telephone numbers with them when they

change service providers. Wireless carriers in Britain and Australia somehow managed to overcome the technical burdens to number portability. Number portability has been coming in the U.S. since 1999. The last minute logistical “problems” set forth by CTIA are viewed by us as created by the carriers to thwart competition. Perhaps, the Commission’s complaint procedures and the threat of significant fines for non-compliance with number portability would be a better process for resolving such “disputes.”

Very Respectfully Submitted,

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